



District 6 Advisory Board Agenda

Monday, December 11, 2023 • 6:30 p.m.

Evergreen Community Center & Library • 2601 N. Arkansas, Wichita, KS

67204 Virtual Meeting Option • Zoom and [Facebook Live](#)

Virtual Meeting Access Information

The public has the option to participate in DAB meetings virtually via the Zoom platform or to watch the meetings live on the [District 6 Facebook page](#). Zoom meeting details are listed below.

Join Zoom meeting on a computer, tablet, or smartphone

- Click on the link below and enter the meeting ID and passcode.
 - ✓ <https://us06web.zoom.us/j/86089207419?pwd=ZmwyZVBNaGE4Y3FqZ2VEbnhrMWhiQT09>
 - Meeting ID: 860 8920 7419
 - ✓ Passcode: 261623

Join Zoom meeting via telephone (audio only)

- +1 669 444 9171 US

Order of Business

1. Call to Order

- **Approval of Agenda** for December 11, 2023
- **Approval of Minutes** for November 13, 2023 <http://prod3-wichitagov/Council/DABAgendasMinutes/2023-11-13%20District%20Advisory%20Board%206%20Minutes.pdf>

2. Wichita Fire Department

Staff will present District 6 fire statistics, discuss relevant safety topics, provide department updates, and answer questions.

3. Wichita Police Department

Community Policing Officers will present District 6 statistics and crime trends, discuss relevant safety topics, provide department updates, and answer questions.

4. Wichita Public Library Report

Library Staff will report on events and programs at the Evergreen Branch Library and the Advanced Learning Library.

Recommended Action: Receive and file.

Public Agenda

This portion of the agenda provides an opportunity for citizens to present issues that are not part of the regular agenda for the meeting. There is a three-minute time limit for each speaker.

5. Scheduled Items

There are no scheduled Public Agenda items this month.

6. Off-Agenda Items

Any individual present that did not request to speak on the Public Agenda prior to the meeting may speak at this time.

Recommended Action: Receive and file.

New Business

7. Retaliatory Eviction Ordinance

Staff will present the ordinance creating chapter 20.12 of the Code of the City of Wichita Pertaining to Retaliatory Evictions. Presently, the issue of retaliatory evictions among landlords and tenants in the City of Wichita is governed by state law. Under K.S.A. 58-2572, a landlord may not retaliate against a tenant by increasing rent or decreasing services after the tenant complains of habitability concerns to the landlord or governmental agency or the tenant has organized with a tenant's union or similar organization. Retaliation by the landlord constitutes a defense by the tenant for an eviction action. The tenant may also seek damages for diminished services consistent with state law. State law provides limited remedies to a tenant faced with unlawful retaliation by a landlord. Other than potential damages for diminished services and a limited eviction defense, a tenant is not afforded any additional protections against unlawful retaliation and a landlord is not subject to any further penalties. The proposed ordinance adds to state law on the topic of retaliatory evictions by instituting fines for a conviction based on retaliatory eviction. The proposed ordinance is modelled on a similar ordinance passed by the City of Topeka in July, 2023.

Recommended Action: Provide comment regarding ordinance.

Retaliatory Eviction Ordinance Memo: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-12-11%20District%20Advisory%20Board%206%20%20Retaliatory%20Evictions%20Ordinance%20Memo.pdf>

Eviction Ordinance Draft: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-12-11%20District%20Advisory%20Board%206%20%20Retaliatory%20Evictions%20Ordinance.pdf>

8. CON2023-00056

The Metropolitan Area Planning Department will present this case for consideration by the District 6 Advisory Board. The applicant is requesting a Conditional Use to bring an existing Accessory Apartment into compliance on a property zoned SF-5 Single-Family Residential District. The property is located at 703 North Clara Street, which is generally located on the north side of West Central Avenue, within one-quarter mile east of I-235 Highway. The site is currently developed with a 1,236 square foot single-family home (built in 1949) and a detached, 928 square foot Accessory Apartment. According to the Sedgwick County Appraiser's Office, the additional dwelling was considered a "Guest Cottage" when it was constructed in 1950. The applicant was attempting to have a separate electric meter installed on the Accessory Apartment when the nonconforming dwelling was discovered.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 703 North Clara Street) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
4. The water and sewer provided to the Accessory Apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

CON2023-00056 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-12-11%20District%20Advisory%20Board%206%20%20CON2023-00056%20MAPC%20Staff%20Report.pdf>

9. CON2023-00057

The Metropolitan Area Planning Department will present this case for consideration by the District 6 Advisory Board. The applicant is requesting:

- 1.a Conditional Use to allow the placement of a 499-foot-tall tower on the property; and

2.a waiver of the compatibility height standards of Section IV-C.5.b of the Unified Zoning Code.

The subject site is generally located approximately 1,000 feet south of West 29th Street North and approximately one-half mile west of North Arkansas Avenue (2829 North Salina Avenue). The 14-acre site is zoned SF-5 Single-Family Residential District and is developed with five (5), 188-foot-tall radio towers. The purpose of the application is to replace a former, 519-foot-tall radio tower that was removed approximately seven years ago. As seen on the attached site plan, the proposed tower would be constructed south and west of the former location. The existing towers and the proposed replacement tower are slender lattice towers and are stabilized with guy-wires. The replacement tower structure is 36 inches square. The existing towers were constructed prior to current zoning standards and are legal non-conforming uses.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, including a waiver of the compatibility height standards in Section IV-C.5.b, and subject to the following conditions:

1. All requirements of Section III-D.6.g of the Unified Zoning Code shall be met.
2. The applicant shall obtain all permits necessary to construct the Wireless Communication Facility within 50 days of submittal of the building permit application, and the Wireless Communication Facility shall be erected within one year of final approval of the Conditional Use.
3. The support structure shall be no taller than 499 feet in height.
4. The site shall be developed in general conformance with the approved site plans. All improvements shall be completed before the facility becomes operational.
5. The applicant shall obtain from the FAA and provide to MAPD a Determination of No Hazard for any obstruction proposed under this application. This FAA determination shall be based upon coordinates and elevations taken by a licensed and qualified land surveyor and conform to FAA's most precise, current accuracy tolerance standards. The applicant shall demonstrate to the MAPD, with concurrence of the Wichita Airport Authority, that any obstructions proposed under this application would not adversely affect or alter any precision or non-precision instrument approaches.
6. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

CON2023-00057 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-12-11%20District%20Advisory%20Board%206%20%20CON2023-00057%20MAPC%20Staff%20Report.pdf>

10. CON2023-00059

The Metropolitan Area Planning Department will present this case for consideration by the District 6 Advisory Board. The applicant is requesting a Conditional Use to permit an Event Center, which may provide entertainment and alcohol for patrons (defined in the Unified Zoning Code as "Nightclub in the City"). The subject site is zoned LC Limited Commercial District and is generally located on the north side of West 21st Street North and within one-block east of North Waco Avenue (320 West 21st Street North). The property is developed

with a former television broadcast studio and a Wireless Communications Facility. The building is located on the west side of a platted alley, and the associated parking is located on the east side of the platted alley. The alley has not been vacated, is improved, and can still be used to access properties north of the site.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use for a Night Club in the City (Event Center) be **APPROVED** subject to the following conditions:

1. Nightclub in the City's shall apply only to those ancillary uses associated with an Event Center.
2. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
3. No music or alcohol consumption shall be allowed outside the building at any time.
4. The hours of operation for entertainment shall be:
 - i. 9:00 a.m. to 8:00 p.m., Monday through Thursday
 - ii. 9:00 a.m. to 11:00 p.m., on Friday and Saturday
 - iii. 9:00 a.m. to 8:00 p.m. on Sunday
5. The Event Center is permitted to operate outside of the above stated hours provided that such events do not provide entertainment.
6. Any lighting must be directed toward the center and not toward any of the residential properties to the north, east, and west.
7. No noise generated in conjunction with the outdoor use shall exceed a sound level of five decibels as measured on the "A" scale of a sound pressure level meter over the normal background noise that is discernible at any property line of a Lot within 1,000 feet that has a residential zoning classification. Normal background noise shall be established by taking the average of ten sound level readings at any ten-minute period.
8. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
9. The parking lot shall be kept free of all trash and debris.
10. No loitering, congregating or excessive noise shall be permitted in the parking lot.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

CON2023-00059 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-12-11%20District%20Advisory%20Board%206%20%20CON2023-00059%20MAPC%20Staff%20Report.pdf>

11. CON2023-00061

The Metropolitan Area Planning Department will present this case for consideration by the District 6 Advisory Board. The applicant is requesting a Conditional Use for Group Residence, General on property zoned B Multi-Family Residential District located on the east side of North Emporia Avenue, within 100 feet north of East 10th Street North (1110 East Emporia Avenue). According to the applicant's website, the Wichita Children's Home currently utilizes the property as a "low-barrier drop-in center for runaway, homeless, and at-risk youth who are 21 or younger." The request for a Conditional Use for Group Residence, General would allow the facility to house up to 24 persons including staff.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED** subject to the following conditions.

- 1) No signs shall be allowed except those permitted under the City Sign Code Section 24.04.190.
- 2) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

CON2023-00061 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-12-11%20District%20Advisory%20Board%206%20%20CON2023-00061%20MAPC%20Staff%20Report.pdf>

12. PUD2023-00013

The Metropolitan Area Planning Department will present this case for consideration by the District 6 Advisory Board. The applicant is requesting a zone change from SF-5 Single-Family Residential District to PUD Planned Unit Development to create the 1001 N. St. Paul Planned Unit Development (PUD #118). The site is approximately 0.31 acres in size and is generally located on the northwest corner of West 9th Street North and North Saint Paul Avenue (1001 North Saint Paul Street). The site is made up of one parcel in the City of Wichita and is currently vacant. Until earlier this year, a single-family dwelling existed on site and has since been demolished. The proposed PUD would permit multi-family development with custom setback, development, and parking standards.

RECOMMENDATION: Based on the information available at the time of the public hearing, staff recommends **APPROVAL** of the application subject to provisions of the 1001 N. St. Paul Planned Unit Development PUD #118, and subject to the following conditions:

1. The applicant shall implement screening and landscaping per the Unified Zoning Code and the Wichita Landscape Ordinance, respectively, as described above.
2. The PUD shall be developed in accordance with the approved PUD language.
3. The applicant shall record a PUD certificate with the Register of Deeds indicating that this tract (referenced as PUD #118 1001 N. St. Paul Planned Unit Development) has special conditions for development on the property.
4. A copy of the recorded certificate along with four copies of the approved PUD shall be submitted to the Metropolitan Area Planning Department within 60 days of governing body approval, or the request shall be considered denied and closed.

PUD2023-00013 Staff Report: <https://www.wichita.gov/Council/DABAgendasMinutes/2023-12-11%20District%20Advisory%20Board%206%20PUD2023-00061%20MAPC%20Staff%20Report.pdf>

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Board Agenda

13. Updates, Issues, and Reports

Reports from the DAB on any activities, events, resources, issues, or concerns in the neighborhoods, council district, and/or city.

Recommended Action: Receive and file.

Adjournment

The next District 6 Advisory Board meeting is scheduled to be held at 6:30 p.m. on **Tuesday, January 9, 2024** at the Evergreen Community Center & Library, 2601 N. Arkansas, and Wichita, KS 67204. Residents also have the option to participate in DAB meetings virtually via Zoom or to watch them live on the [District 6 Facebook page](#). Visit the [District 6 webpage](#) for the most up-to date meeting information. The meeting agenda and supplemental documents are posted to the webpage the Wednesday prior to the upcoming meeting.
